# Annual Report

April 1, 1983 to March 31, 1984

Legal Services Society
of British Columbia

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# Chairman's Report

This year has seen the Legal Services Society persevere despite adversity.

During the year, the Society has had to make many difficult decisions. Every program and service provided by the Society has been examined and re-examined to test its worth, assess its relevance and determine its efficiency and cost-effectiveness.

The Society was already into its fourth month of the fiscal year before the Provincial Government brought down its 1983/84 budget in July. That budget, instead of providing the modest increase expected by the Society, reduced government funding by $3.7 million from that actually provided in 1982/83.

The Society's financial difficulties were compounded by two other factors. First, its other major source of funds, the Law Foundation of British Columbia, reduced its funding by $760,000.00. Secondly, the Society had, after consultation with the Ministry of the Attorney General, continued to spend and commit itself to expenditures during the first four months of its fiscal year, based on the past year's funding. This left the Society in the position of having to make a full year's budget reduction in the space of only eight months.

Faced with an almost impossible fiscal problem, the Society was forced to cut back its already reduced level of services. The Society again reduced all of its programs, closed five offices across the Province, and laid off staff.

On September 1, 1983, the Society implemented a policy of denying legal assistance to any person charged with a summary conviction offence who had a previous conviction for a related offence.

On November 10, 1983, the British Columbia Court of Appeal upheld the Supreme Court's ruling that some of the Society's restraint measures were illegal. Mr. Justice Lambert held that the *Legal Services Society Act* imposes "... on the Society a duty to provide legal services in the circumstances set out in subsection 3(2). In short, if a person's liberty, safety, health or livelihood are in real jeopardy, the Society is required to make legal services available."

In order to comply with the judicial interpretation of our governing statute some, but by no means all, of the suspended services were restored. Denial of legal aid on the basis of previous convictions was abandoned; those persons likely to go to jail if convicted of an offence were given assistance if they were financially eligible; some family law services were restored; and the financial eligibility threshold was increased from the 1982 poverty level to the 1983 poverty level.

The Society is indebted to the Attorney General, Brian Smith, for ensuring that these additional, court-ordered services were funded by special warrant.

All the cutbacks that were not specifically prohibited by the Court of Appeal decision remained in place. No staff were rehired, no closed offices were reopened, and no increases were made to the level of tariff paid to private lawyers accepting legal aid referrals. Those lawyers continued to receive 12½ per cent less than the fees established for the tariff in September of 1982. The amount of assistance available in the family law area remained woefully inadequate, and there was no return to the flexible eligibility test.

At year's end, the situation was one in which a bare minimum of legal services were being unevenly provided to the people of British Columbia.

During this trying time we continued to enjoy the support of the Law Society of British Columbia, the Canadian Bar and its sections, the Law Foundation and countless numbers of other organizations and individuals throughout the province.

I especially commend the support and dedication of the staff of the Legal Services Society. In the face of uncertain funding and drastic cutbacks, they have displayed courage, flexibility, and an unwavering commitment to the principle of legal aid.

The Legal Services Society believes it is a fundamental principle of democracy that the law and the justice system be accessible to all. Real equality before the law is a goal that must be respected and protected within our judicial system.

We therefore welcomed the decision by Attorney General Brian Smith in December to appoint a special task force on public legal services. This task force, formed after consultation with the Law Society of British Columbia and the British Columbia Branch of the Canadian Bar Association, was, at the date of this report, conducting public hearings throughout the Province.

We are confident that this group, which includes some of the most respected members of the legal profession in British Columbia, will provide recommendations that balance the need for restraint in a time of economic downturn with the fundamental need for legal assistance and advice to be provided to those who have no means of obtaining it on their own.

It is in these hard times that we most need legal aid. The test of our commitment to the rule of law comes not when times are good and the promises are easy to keep, but in the worst of times, when difficult choices must be made.

*D.A. Silversides*
*Chairman*

# Executive Director's Report

During the past year, the Society has had to respond to a variety of influences. The need for public legal services has remained high due to the continuing recession and its attendant unemployment. The delayed Provincial budget of July, 1983 reduced the funds that were to be available to the Society during the year, forcing further major cuts in service.

The Court of Appeal decision in *Mountain v. the Legal Services Society* held that the Society must provide services to a qualifying individual who faces real jeopardy to his or her liberty, livelihood, health or safety, effectively making many of the cutbacks illegal. The Provincial budget estimates in February, 1984 reduced the Society's funding by a further 10 per cent.

The Provincial Government has now accepted the responsibility of funding the Society to the level necessary to comply with the Court of Appeal ruling and has agreed to meet the shortfall by way of special warrant.

As well as leaving many people without essential legal services, this turbulence has disrupted the Society's rational planning, has caused serious public uncertainty as to what services are available, and has confused the administration of programs at the local level.

As shown in the enclosed financial statements, the Society reduced its annual expenditures from $20.3 million in 1982/83 to $17.3 million in 1983/84. Although this 15 per cent cut was achieved at the expense of many people, it does demonstrate that the financial affairs of the Society are under strict control.

It is unlikely that any legal services program anywhere has been exposed to such intense external and internal scrutiny as has the Legal Services Society over the past year. The Rhodes Report in April, 1983 reviewed the financial management of the Society in detail and found it to be completely sound. Regarding the Society's restraint measures, Mr. Rhodes stated, "I am not aware of any actions, other than those taken, which could have significantly affected current expenditures."

The Federal Government's exhaustive analysis of the structure, range, accessibility and impact of legal aid services in B.C. was largely completed during the year. It has concluded that "the Legal Services Society is doing a very good job of providing services within the limitations of the resources available to it" but that "the delivery of services must be broadened to produce an equitable legal aid system."

The Attorney General's Task Force on Public Legal Services held 15 hearings around the province during the year, receiving over 300 briefs. These briefs overwhelmingly endorsed the work of the Society as highly effective, but recommended an increase in funding so that services could be expanded to meet essential needs.

The legal information services provided by the Society, although constituting less than 5 per cent of the total budget, received the solid endorsement of numerous Task Force briefs and of 3 independent evaluations during the year. The evaluations examined the community-based public legal education projects, the public libraries program and the legal information phone lines. It was found that these universal services are highly effective in raising public awareness of legal responsibilites at the lowest possible cost.

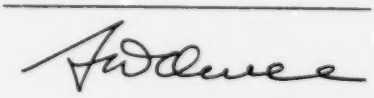
The independent Native Task Force, comprised of Native Indian community leaders from around the province and funded by the Society to advise it on policy, completed its report during the year. The Board of Directors has been guided by this report in adopting comprehensive goals for the Native Programs Department which are designed to promote real community control and responsibility for meeting the unique legal service needs of Native Indian peoples.

The operations of the Society were considered judicially during the year with respect to the legal right to counsel, the level of payment to counsel and financial eligibility levels. Such litigation is vital to the development of a responsible, comprehensive legal services plan and to the public awareness of the important issues involved.

Internally, through the development of its management information system, the Society now has the capacity to monitor case types, volumes, outcomes and costs and financial eligibility more accurately than any other legal aid plan in Canada. The system enables the Society to identify and respond to patterns and levels of need and cost fluctuations in a timely way.

Another aspect of the information system is the payment of tariff accounts, for which the Society was required to assume responsibility from the Provincial Government on April 1, 1983. The implementation difficulties of the complex computerized system that the Society has had to develop caused major delays in these payments. These problems have now been largely eliminated and payments for the most part are being made faster than ever before. The Society is indebted to the Bar for its patience during this frustrating period, and for its continued willingness to support the legal aid system, despite the many inadequacies of the tariff.

The continuing strain on the legal aid system in B.C. has stimulated widespread public concern. The Provincial Government has encouraged the re-examination of the essential nature of these services through its Task Force hearings and report. Despite the temporary reduction in services, it is hoped that this public focus will help to ensure equal access to essential legal services in the future.



*Stephen Owen*
*Executive Director*

## Board of Directors 1983-1984*

| | |
|---|---|
| **Donald A. Silversides**<br>**Chairman** | Lawyer, Prince Rupert<br>(to April 29, 1984) |
| **T.J. Melnick**<br>**Chairman** | Lawyer, Cranbrook<br>(from April 29, 1984) |
| **Robert Johnston**<br>**Vice-Chairman** | Lawyer, Victoria<br>(from April 29, 1984) |
| **David Tupper** | Lawyer, Vancouver |
| **David W. Ramsay** | Lawyer, Prince George |
| **Peggy Drury** | Powell River |
| **W.J. Mussel** | Educator, Chilliwack |
| **Duncan Shaw** | Lawyer, Vancouver<br>(to January, 1984) |
| **Georges Goyer** | Lawyer, Vancouver<br>(to January, 1984) |
| **David Smith** | Minister, Fort Langley<br>(to January, 1984) |
| **Elizabeth O'Kiely** | Social Worker, West Vancouver<br>(to January, 1984) |
| **Judge M. Anne Rowles** | Judge of the County Court<br>Vancouver (to January, 1984) |
| **Mr. Justice J.A. MacDonald** | Justice of the B.C. Court of Appeal<br>(to January, 1984) |
| **Jane Fleming** | Town Planner, Kelowna<br>(to March, 1984) |
| **Mr. Justice J.C. Bouck** | Justice of the B.C. Supreme Court,<br>Vancouver (from January, 1984) |
| **Loretta Chaperon** | Lawyer, Victoria<br>(from January, 1984) |
| **Leonard T. Doust** | Lawyer, Vancouver<br>(from January, 1984) |
| **Lois Hollstedt** | Law Office Manager, Kamloops<br>(from January, 1984) |
| **T.E. La Liberte** | Lawyer, Vancouver<br>(from January, 1984) |
| **His Honour William Ostler** | Retired, Victoria<br>(from January, 1984) |
| **Jeanne Watchuk** | Lawyer, Vancouver<br>(from January, 1984) |
| **Rosemary Supernault** | Courtworker, Terrace<br>(from April, 1984) |

* The Legal Services Society Act provides for the appointment of 14 members of the Board of Directors, seven appointed by the Lieutenant Governor in council and seven appointed by the Law Society of British Columbia in consultation with the Executive of the British Columbia Branch of the Canadian Bar Association.

**Acknowledgements**

The Legal Services Society wishes to acknowledge the generous funding which it receives from the Provincial Government and from the Law Foundation of British Columbia. In addition, the Government of Canada contributes significantly to the cost of criminal legal aid through federal/provincial cost sharing programs.

## Client Services Department

The role of the Client Services Department, together with the Native Programs Department, is to fulfill the mandate contained in s.3(2) of the *Legal Services Society Act*. That section provides:

The Society shall ensure, for the purposes of subsection (1)(a), that legal services are available for a qualifying individual who:

(*a*) is a defendant in criminal proceedings that could lead to his imprisonment;

(*b*) may be imprisoned or confined through civil proceedings;

(*c*) is or may be a party to a proceeding respecting a domestic dispute that affects his physical or mental safety or health or that of his children; or

(*d*) has a legal problem that threatens

(i) his family's physical or mental safety or health;

(ii) his ability to feed, clothe and provide shelter for himself and his dependants; or

(iii) his livelihood.

## Reductions in Coverage & the *Mountain* Decision

**History**

In the fiscal year 1982/83, the Society made deep cuts as a result of funding reductions. These cuts included a twelve-and-one-half per cent decrease in fees paid to private lawyers for legal aid cases, staff lay-offs, and reduction in coverage in the criminal and family law areas.

In August, 1983, because of a further reduction in funding, the Society was obliged to reduce its services below the minimum set out in s.3(2) of the *Legal Services Society Act*.

All coverage was eliminated for anyone facing a summary conviction charge (where the maximum sentence is six months' imprisonment), unless that individual was likely to go to jail *and* did not have a related prior record. In effect, this eliminated coverage in thirty per cent of cases. This meant that many individuals facing incarceration as a result of a conviction were denied counsel.

The Society also closed offices in Nanaimo, Vernon, Cranbrook, Smithers and Maple Ridge.

In November, 1983, the Society was successfully sued by Richard Mountain, an applicant for legal aid who had been denied counsel under the cutback rules. The Court of Appeal said, "... if a person's liberty, safety, health or livelihood are in real jeopardy, the Society is required to make legal services available."

## Current Coverage

As a result of the *Mountain* decision, the Attorney General agreed to continue to fund services at the statutory minimum. The Society now provides services in areas under s.3(2) of the Act.

In criminal matters, counsel is provided for all indictable matters, for summary conviction matters where the accused is likely to be imprisoned or to lose the means of earning a livelihood as a result of the charges he or she is facing; for charges under the *Young Offenders Act* where the youth would be eligible if an adult; and for proceedings under the *Extradition Act* and the *Fugitive Offenders Act*.

In family and other civil matters, each applicant's situation is assessed individually. If the matter is urgent, counsel is provided. The family tariff covers parents under the *Family and Child Service Act* and also covers other urgent matrimonial matters.

Even at this level of service, many people who need assistance are not getting help because their situation is not "urgent." Before the cuts in service, the Society provided representation to approximately 3,000 individuals per month. This year, prior to the *Mountain* decision, approximately 1,250 persons were assisted per month. After the *Mountain* decision, about 2,000 persons per month were assisted. This level has been rising steadily since the restoration of services following the *Mountain* decision.

## Who Is Eligible?

Persons are financially eligible for legal aid when their income is less than the limit set for the population centre in which they reside. These limits are based on the Statistics Canada poverty income guidelines. Because of cuts to funding in 1982, the Client Services Department abandoned its previous and more flexible test for eligiblity, which had found persons financially eligible for legal aid when requiring them to pay legal fees would have impaired their ability to provide themselves and their dependants with the essentials necessary to keep them adequately fed, clothed and sheltered and living together as a family.

If counsel is provided, applicants must pay a user fee of $30.00 if they are not on Social Assistance, and $10.00 if they are.

Anyone who is turned down for legal aid is entitled to appeal the refusal to the Executive Director.

Those not financially eligible for service may nevertheless be assisted if the needed service cannot be obtained from another source. Every effort is made to give as much legal information and advice as possible to ineligible persons who cannot afford a lawyer.

## Methods of Providing Services

There are two mechanisms for delivering services. Family and criminal matters are referred to the private Bar. Other matters are dealt with by staff in offices located around the province that are operated either by the Legal Services Society or by agencies funded by the Legal Services Society.

### Tariff Programs

The private Bar is engaged in delivering services to eligible clients in the criminal and family law areas through tariff programs.

Clients whose problems are covered by the tariff are referred by a Legal Services Society office or an area director to a private lawyer. The lawyer is then paid for service at a rate determined by the Society's tariff of fees. The solicitor/client relationship is the same as if the client had retained a lawyer privately.

A client has the right to select any lawyer who is willing to act from within the geographical region where the client lives or where the problem arises. In criminal cases where the minimum penalty upon conviction is life imprisonment, the client is entitled to retain and instruct any member of the Bar of British Columbia who is prepared to act.

Tariff fees for private lawyers acting on legal aid cases are significantly below what lawyers would receive if they were acting in a similar case, on a private basis. There has been no increase to the tariff since 1981; and in 1982, fees were actually reduced by 12.5 per cent owing to funding cuts.

In addition to the contribution which the Bar makes through the tariff program, lawyers in private practice frequently agree to act, without fee, in civil law cases where no tariff is provided. The contribution the private Bar makes in these ways to the service provided to clients is invaluable.

### Reciprocity

Where residents of other jurisdictions require legal services in B.C., the Legal Services Society attempts to provide the same assistance for them as it does for residents of B.C.

Within Canada, this procedure is formalized by the inter-provincial reciprocity agreement to which all provincial and territorial legal aid plans are parties. Financial eligibilty is determined according to the criteria of the applicant's province of residence. The service provided is that which the assisting province would provide to its own residents.

Internationally, the Legal Services Society has no formal reciprocity agreements. However, where a B.C. resident requires legal assistance in a foreign jurisdiction, the Legal Services Society will contact the

legal aid program in the other jurisdiction and request that service be provided. The Legal Services Society handled approximately 126 reciprocal cases in the last year, from all parts of Canada, as well as from the U.S.A., Australia, United Kingdom, West Germany, and other countries both in Europe and the Commonwealth. 207 client cases originating in B.C. obtained assistance through legal aid plans outside the province.

**Duty Counsel**

Duty counsel are staff lawyers or lawyers retained from private practice who are available in the courts to advise accused persons held in custody. Advice is given concerning charges, court procedures and the right to apply for legal aid.

In addition, duty counsel ensure that the person applies for legal aid; that bail applications are made on behalf of the accused person, when appropriate; that the accused is represented upon sentencing if the accused decides to plead guilty; and that the accused is represented in cases where the Crown is seeking a psychiatric remand or a further remand in custody. Where possible, duty counsel also give advice to and appear on behalf of accused who are not in custody, but are making their first appearance in court.

Duty counsel are provided in adult criminal courts in the following areas: Abbotsford, Alert Bay, Alexis Creek, Anahem Lake, Bella Bella, Bella Coola, Burnaby, Campbell River, Cassiar/Lower Post, Chetwynd, Chilliwack, Cloverdale, Coquitlam, Courtenay, Cranbrook, Creston, Dawson Creek, Delta, Fernie, Fort Nelson, Fort St. James, Fort St. John, Gold River, Hope, Houston, Hudson Hope, Kamloops, Kelowna, Kimberly, Langley, Maple Ridge, Matsqui, Mission, Nanaimo, Nelson, New Westminster, 100 Mile House, Parksville, Penticton, Port Alberni, Port Hardy, Powell River, Prince George, Prince Rupert, Quesnel, Rossland, Sidney, Smithers, Sparwood, Surrey, Tahsis, Trail, Ucluelet, Vancouver, Vernon and Victoria.

Juvenile duty counsel was provided in courts in Vancouver and Surrey. Plans were developed to extend juvenile duty counsel throughout the Province to comply with the requirements of the Young Offenders Act.

**Legal Services Society Branch Offices**

The Legal Services Society operates branch offices in a number of communities throughout the province. Staff lawyers and secretary/legal assistants and, in some offices, paralegals, administer the tariff and duty counsel programs. In addition, they provide a wide range of legal services to qualified applicants, particulary in areas of the law not covered by the Legal Services Society tariff.

Typical cases that may be handled by branch office staff include Worker's Compensation claims, welfare appeals, Unemployment Insurance cases and other administrative law matters; labour law problems; defences in civil actions, including bankruptcy, foreclosure and debt; and advice in family law matters.

In December, 1983, the offices in Vernon and Cranbrook were closed. The locations of the remaining branch offices are shown in Appendix "A".

**Area Directors**

In communities where there is no Legal Services Society branch office or community law office, a private lawyer administers the tariff programs and gives summary advice on non-tariff matters. Area Directors make an invaluable contribution to the overall service provided.

See Appendix "A" for location of Area Director offices.

**Community Law Offices**

The Legal Services Society funds a number of independent societies throughout the province, which run community law offices. The offices are staffed by legal information workers and secretary/legal

assistants, with approximately half the offices employing a staff lawyer and the other half making use of a lawyer in private practice to act as a consultant and supervisor. Most community law offices administer the legal aid tariff for their area.

The offices provide a wide range of legal services for the communities. The societies draw on their local knowledge to assess needs and set priorities and to develop programs which are particular to the needs in their communities.

In December, 1983, funding was withdrawn from offices in Smithers and Maple Ridge.

The Maple Ridge office continues to provide services on a volunteer basis. In Smithers, duty counsel and area director services are still provided.

The locations of the remaining community law offices are shown in Appendix A.

## Other Funded Agencies

**Vancouver Community Legal Assistance Society**

The Legal Services Society contributes a portion of the funds required by the Vancouver Community Legal Assistance Society (VCLAS). Through its three offices, VCLAS provides a range of services. It supplies a lawyer to supervise the Law Students' Legal Advice Clinic in Greater Vancouver, it runs the Mental Patients Advocacy Project at Riverview Mental Hospital, and it provides direct services through its staff at its main office.

**Elizabeth Fry Society**

The Elizabeth Fry Society provides assistance to women in conflict with the law. The Society provides courtworker services around the province, community access workers to women's correctional institutions, and in Vancouver, counselling services. Although the Legal Services Society has had to reduce funding to the Elizabeth Fry Society for courtworkers as a result of the restraint program, the Elizabeth Fry Society continues to operate very effectively, primarily through the use of well-trained volunteers.

## Special Programs

**Prison Services Program**

Special services are provided to prisoners in institutions in the Lower Mainland and the Fraser Valley by paralegal personnel and consulting lawyers, based primarily in Abbotsford. These special services ensure that prisoners can have access to the ordinary services that other citizens can look to for assistance, as well as to ensure that legal assistance is available for some of their unique problems.

Regular clinics are maintained by program staff in Kent Maximum Security Institution, Matsqui Institution, Mission Medium Security Institution, Regional Psychiatric Centre, Lower Mainland Regional Correctional Centre, including the Women's Unit, and in forest camps, juvenile facilities, and institutions of lesser security, upon demand.

**Do Your Own Divorce Program**

In the Vancouver area, clients who qualify for legal aid and who are about to commence divorce proceedings on the grounds of living separate and apart for the time prescribed by the *Divorce Act*, are given assistance under this special program. The Law Students' Legal Advice Program prepares the documents and a lawyer is appointed to go to trial with the client.

During the 1983/84 fiscal year, approximately 140 persons were assisted to obtain divorce decrees under this program.

## Training Program

The Training Program is responsible for the training of community legal information counsellors, staff lawyers and secretary/legal assistants throughout the province. The goal of the program is to ensure competent delivery of direct and indirect legal services to the public by providing training programs for staff and personnel in funded agencies. These programs frequently take the form of 3 or 5-day workshops, covering substantive law and advocacy skills. Resource materials have also been developed and are provided by this program for use in the offices.

In addition, the program has a budget to allow staff lawyers to attend courses organized by the Continuing Legal Education Society of British Columbia. It also funds an annual Staff Lawyers Conference. While the budget of the Training Program has had to be reduced under the cuts in funding, it continues to be a vital part of Client Services.

## Planning and Research Department

The Planning and Research Department provides consultation and information to the Board of Directors in its policy deliberations. It also provides assistance to other departments with questions related to policy, statistics and the ongoing evaluation of departmental activities.

The major focus of the 1983/84 fiscal year was the implementation and refinement of a new information system, which covers all direct client services of the Legal Services Society and its funded agencies. The system processes all case data and has enabled the Society to take over direct payment of tariff accounts. The information system is now generating case and staff management data which enables the Society to make better informed management and budgeting decisions.

An independent evaluation of the overall delivery of legal services in British Columbia by the Legal Services Society began in March 1982 and continued through the summer of 1983. The evaluation was primarily funded by the federal Department of Justice and was co-sponsored by the Legal Services Society. The final report is now available.

The Department has played a part in several federal/provincial matters. It took an active role in support of the Attorney General's Ministry both in preparing for and participating in the federal/provincial negotiations on a new Criminal Legal Aid Cost Sharing Agreement. The Department is also working with the Provincial Government to expedite cost sharing of civil legal aid under the Canada Assistance Plan.

Statistical and other information was produced both for the Attorney General's Task Force on Public Legal Services and for the submission of the Legal Services Society to that Task Force.

The Department is now participating in an effort to design national statistics for legal aid, and to make the statistics compatible with those kept by other justice sections.

## Legal Information Services Department

The Legal Information Services Department of the Legal Services Society provides education, advice and information about the law to the people of British Columbia in order to facilitate equal access to the law and to reinforce public understanding of and support for the rule of law.

The objectives of the Legal Information Services Department are:

1. To increase the public's ability to understand the law and legal process in order that they will be able to exercise their rights and assume their responsibilities.
2. To increase the public's ability to identify and to prevent or to avoid potential legal problems.

3. To increase the public's ability to know when and how to obtain legal services.
4. To increase the public's ability to help themselves to resolve legal problems, in appropriate cases.
5. To facilitate the effective operation of a democratic society, including the support for the rule of law.

The Department provides these services through three Programs – the Schools Program, the Public Legal Education Program, and the Library Services Program – and through its Publications Branch which produces print materials for the Legal Services Society.

The Legal Information Services Department has responsibility for providing the public, the provincial Bar and the Society's funders with information about its services. The Department distributes audiovisual and print materials to the general public and to its funded agencies. In 1983/84, the Publications Branch produced 41 publications for the Society. The Department distributed 173,182 materials.

## The Schools Program

The purpose of the Schools Program is to support and develop legal education in the British Columbia school system and to ensure that students become more aware of their rights and responsiblities as citizens living under the rule of law. This purpose is achieved by developing materials and providing support services to teachers and other educators involved in legal education.

### Curriculum Materials Development and Distribution

During the past year development work continued on a tort law material for Law 11 classes. Development of material on the newly proclaimed Young Offender Act was initiated for use in Grade 8 Guidance classes throughout the province.

By March 31, 1984 the Schools Program had 40 audiovisual and print titles available for school use and had distributed over 3,300 copies of publications to schools during the previous twelve months.

### Newsletter

Five issues of the Schools Program's Newsletter were produced on the themes of Evidence, Juries, Human Rights, Sexual Assault and Sports and the Law. Each issue contained a feature article on the topic, an article for students entitled Class Action, which presented a brief summary of theme-related cases, and a resource section of bibliographic information. Court Report, another regular feature, summarized topical cases for classroom discussion. A new feature entitled Consumer Education was introduced to meet the needs of the many new consumer education teachers for information on law-related aspects of the consumer education curriculum. In all, over 12,000 copies of the Newsletter were sent to teachers, librarians and others involved in law and education.

### Teacher Training

Eight regional workshops were held in various parts of the province for Consumer Education, Law 11 and Business 12 teachers during the past twelve months. The subject of these workshops was Consumer and Contract Law. They were held in Castlegar, Courtenay, Vancouver, Victoria, Surrey, Kelowna, Kamloops and Prince George.

The Schools Program has responded to requests from individual school districts as well as being actively involved in many conferences and teacher workshops organized throughout the province by the Ministry of Education.

### Liaison Activities

The Schools Program continued its ongoing relationships with many legal and educational organizations

in B.C. and across Canada.

Representation was maintained on both the social studies and business education professional associations of the B.C. Teachers' Federation.

The Schools Program provided consultation to the Ministry of Education on the continued revision of the Social Studies curriculum for Grades 1-11. In addition, the Program assisted the Ministry of Education in working with the publishers of the Consumer Education 12 textbook. And the Program assisted the Ministry in its implementation program of the consumer education curriculum by providing resources for the law-related components of that curriculum.

The Schools Program worked with the Law Foundation over the past year towards the development of legal education programs in the Faculty of Education at U.B.C. and S.F.U. As a result both universities are currently offering credit and non-credit courses in legal education for Education students.

The Schools Program was represented on the Canadian Bar Association (B.C. Branch) Law Day Committee. The Program assisted with the Open House at the Law Courts and arranged for lawyers to speak in classrooms throughout the Lower Mainland.

## The Public Legal Education Program

This year the Public Legal Education Program focused its resources on filling gaps in client services through the development and distribution of self-help materials and the training of volunteers working with self-help groups.

Family Court materials to assist unrepresented clients were developed and were distributed by Family Court Counsellors to 3,000 Family Court users. A training manual developed by the B.C. Public Interest Advocacy Centre has been used to train 96 volunteers in 25 communities to assist applicants and respondents prepare their cases for Family Court.

Court information programs were supported in Kelowna and Prince George, and they provided assistance to 3,000 people.

Training materials and worksnops were initiated in the area of administrative law. Groups such as the Federated Anti-Poverty Groups, the Unemployment Action Centres, and the B.C. Coalition of the Disabled participated in skill development workshops to enable them to assist their members with welfare, UIC, employment, housing and discrimination problems.

Six organizations received funds to provide lectures and workshops to their communities, reaching an audience of 10,259 people. Classes were run by the People's Law School in seven languages; a series of lectures was initiated by a prisoners group, and information programs were run in Tofino, Kamloops, Smithers and Terrace.

Contracts were negotiated with 14 agencies to develop print materials for provincial distribution. These print materials were designed either to assist people to identify and avoid legal problems, or to provide them with step-by-step guides to legal procedures, to help them solve legal problems. Work will continue on 8 of the 32 publications started during the year.

Over 30,000 copies of materials on a variety of topics were distributed during the year.

## Library Services Program

The Library Services Program provides two main services:

1. Making the law and law-related materials accessible to the public by providing reference services, funding, staff training and library consultation to libraries, Legal Services Society regional offices, and community law offices.
2. Operating the Legal Resource Centre which provides a research facility and telephone information service to the

general public so that all citizens can obtain current and accurate information about the law and the legal services available to them.

**Legal Resource Centre and Law Line**

During 1983/84, the Legal Resource Centre answered 14,700 information requests. Despite a reduction in hours of access, the Centre received an average of 12.6 calls per hour. The service was supplemented this year by the addition of the Lawyer Referral Service in cooperation with the Canadian Bar Association (B.C. Branch).

In addition, 1,033 audiovisual items were circulated to schools, community groups and government agencies.

**Public Library Funding and Training**

In 1983/84, a total of 27 public libraries or library systems and one college library were funded for a total of $29,600. As a result of this program, 69 library legal collections of differing sizes were maintained across British Columbia.

Through a training program, the Library Services Program ensures that librarians become skilled in legal reference and referral, and that legal collections are maintained as accurate and useful sources of legal information.

During 1983/84, fifteen workshops were conducted throughout the province for Legal Services Society staff, librarians, and a variety of groups and organizations. Topics covered included legal research and referral, library management skills, and areas of substantive law, such as changes in Provincial/Federal legislation, Family Law, and Consumer Law.

Funding was also continued for a law student to staff the legal library at the Lower Mainland Regional Correctional Centre and to assist inmates with legal research.

An evaluation of the public library program shows that legal materials are accessible at some level to practically every citizen in the province, and that this has been accomplished over a nine-year period with limited funding and staffing.

**Publications**

- *Legal Resource Centre News* – four issues.
- *Schools Newsletter* – resource handbook prepared for five issues.
- *Audiovisual Catalogue* – revised edition.
- Legal Information Bookmarks for Public Libraries – four bookmarks.
- *OBITER* – Library News section – four issues.

## Native Programs Department

The highpoint of the year's activities for the Native Programs Department was the completion of the Native Task Force Report with its recommendations for the delivery of legal services to Indian people in B.C.

The Task Force was made up of representatives of the Native Community Law Offices, developing Native legal offices, and Indian Friendship Centres.

The Legal Services Society established a Native Policy Committee whose task it was to review the Task Force recommendations and to recommend a position to the Board for consideration. The Committee felt that the recommendations of the Native Task Force should be considered in the context of a policy framework for the delivery of legal services to Indian people in B.C.

This framework has been developed for consideration by the Board during the summer of 1984.

**Native Community Law Offices**

The Native Programs Department continues to fund four community-based societies which operate Native Community Law Offices. The Haida Counselling and Legal

Assistance Society receives funds to operate two offices, at Skidegate and Masset. The Upper Skeena Counselling and Legal Assistance Society, located at Hazelton, serves eight Indian bands on the Bulkley and Skeena Rivers. The Nicola Valley Counselling Centre makes its services available to members of the Indian community, and other people in the community. They now have a staff lawyer, a paralegal and a secretary. In addition to providing client and community services, they also serve as area directors for legal aid. The staff lawyer provides duty counsel to all persons needing assistance.

Burns Lake Native Community Law Office is situated in the old Courthouse. The Board is made up of people from the four Indian bands and non-status representatives. The office provides duty counsel and area director services for legal aid as well as all the client and community legal services.

**Native Friendship Centres**

Friendship Centres in Fort. St. John, Smithers, Mission and Port Alberni also continue to receive funding from Native Programs.

This enables them to employ legal information counsellors. The counsellors provide client services, do some court work, hold legal information workshops and take part in community development.

The Mission project is facing the serious problem of reduced funding levels for the upcoming year. It is hoped that additional funds can be found to ensure their continued work in that community.

**Other Activities**

As the 1983/84 fiscal year drew to a close, it was apparent that funding would not be available for the development of a Native Community Law Office in the Shuswap-North Okanagan region. This is unfortunate, in light of the hard work which was done by many individuals from the Spallumchean Band in organizing the community and establishing an interim community board. We hope that it will be re-established when funding levels are increased to the Society.

Despite the cutbacks and restraint measures, the many people working in all the funded projects continue to provide much-needed assistance to Indian people in the areas they serve. We thank them for their hard work and dedication to their communities.

# Applications Received:

April 1, 1983- March 31, 1984

## Legal Services Society Branch Offices

| Location | Criminal Matters | Family Law | Other Civil Law Matters | Total |
|---|---|---|---|---|
| Burnaby Branch | 2026 | 483 | 533 | 3042 |
| Burnaby Defender | 887 | 0 | 1 | 888 |
| Campbell River | 710 | 457 | 269 | 1436 |
| Chilliwack | 886 | 386 | 337 | 1609 |
| Cranbrook | 147 | 93 | 32 | 272 |
| Dawson Creek | 397 | 222 | 257 | 876 |
| Fort St John | 298 | 130 | 100 | 528 |
| Kamloops Law Centre | 1136 | 713 | 690 | 2539 |
| Kelowna | 563 | 338 | 166 | 1067 |
| Langley Paralegal | 428 | 170 | 116 | 714 |
| Nanaimo | 868 | 468 | 313 | 1649 |
| Nelson | 394 | 320 | 243 | 957 |
| Prince George | 1561 | 608 | 708 | 2877 |
| Prince Rupert | 449 | 287 | 266 | 1002 |
| Prisons Project | 204 | 37 | 795 | 1036 |
| Surrey | 1016 | 515 | 353 | 1884 |
| Vancouver | 8364 | 1785 | 1806 | 11955 |
| Vancouver Admin | 334 | 49 | 18 | 401 |
| Vernon | 193 | 113 | 46 | 352 |
| Williams Lake | 338 | 162 | 265 | 765 |
| Offices Subtotal | 21199 | 7336 | 7314 | 35849 |

## Community Law Offices, Native Commmunity Law Offices and Friendship Centres

| Location | Criminal Matters | Family Law | Other Civil Law Matters | Total |
|---|---|---|---|---|
| Abbotsford | 694 | 512 | 841 | 2047 |
| Burns Lake | 144 | 83 | 212 | 439 |
| Fort St John | 3 | 33 | 125 | 161 |
| Hazelton | 125 | 88 | 373 | 586 |
| Maple Ridge | 206 | 162 | 308 | 676 |
| Masset | 126 | 102 | 463 | 691 |
| Merritt | 163 | 146 | 590 | 899 |
| Mission | 2 | 8 | 58 | 68 |
| Nanaimo | 4 | 29 | 477 | 510 |
| New Westminster | 25 | 1113 | 1840 | 2978 |
| Northshore Information | 7 | 258 | 369 | 634 |
| Penticton | 517 | 280 | 644 | 1441 |
| Port Alberni | 11 | 9 | 64 | 84 |
| Powell River | 280 | 230 | 731 | 1241 |
| Quesnel | 397 | 181 | 575 | 1153 |
| Richmond Legal Information | 5 | 114 | 191 | 310 |
| Skidegate | 59 | 102 | 788 | 949 |
| Smithers | 304 | 117 | 244 | 665 |
| Squamish | 18 | 3 | 66 | 87 |
| Victoria | 2228 | 1552 | 1578 | 5358 |
| Agencies Subtotal | 5318 | 5122 | 10537 | 20977 |
| Area Directors | 1716 | 603 | 156 | 2475 |
| TOTAL (ALL OFFICES) | 28233 | 13061 | 18007 | 59301 |

## Auditor's Report

To the Chairman and Members of the Legal Services Society, and

To the Attorney-General, Province of British Columbia

I have examined the balance sheet of the Legal Services Society as at 31 March 1984 and the statement of income and expenditures and deficit for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Society as at 31 March 1984 and the results of its operations for the year then ended in accordance with generally accepted accounting principles, as modified by note 2 to the financial statements, applied on a basis consistent with that of the preceding year.

Victoria, British Columbia
28 June 1984

Erma Morrison, F.C.A.
Auditor General

## Balance Sheet as at March 31, 1984

**ASSETS**

| | 1984 | 1983 |
|---|---|---|
| Cash and term deposits | $ 987,408 | $ 381,341 |
| Accounts receivable | 17,378 | 36,321 |
| Due from the Province of British Columbia | – | 1,938,744 |
| Grants recoverable | 10,705 | 15,000 |
| Prepaid expenses | 38,577 | 36,427 |
| | $1,054,068 | $2,407,833 |

**LIABILITIES AND DEFICIT**

| | | |
|---|---|---|
| Accounts Payable – general | $ 180,105 | $ 139,729 |
| – tariff (note 3) | 2,357,437 | 2,807,674 |
| Professional staff benefit plan | 181,250 | 179,960 |
| | 2,718,792 | 3,127,363 |
| Deficit | 1,664,724 | 719,530 |
| | $1,054,068 | $2,407,833 |

*The accompanying notes are an integral part of these financial statements.*

*Approved by the Board*

*T.J. Melnick*
*Chairman*

*R. Johnston*
*Vice-Chairman*

## Statement of Income and Expenditures and Deficit for the Year Ended March 31, 1984

| INCOME | 1984 | 1983 |
|---|---|---|
| **Grants** | | |
| Province of British Columbia | $13,923,478 | $15,769,136 |
| Law Foundation | 1,999,996 | 2,760,004 |
| | 15,923,474 | 18,529,140 |
| **OTHER INCOME** | | |
| Interest | 240,634 | 246,793 |
| Legal costs recovered from clients | 191,177 | 45,921 |
| Publications | 21,985 | 15,277 |
| Miscellaneous | 5,278 | 578 |
| | 459,074 | 308,569 |
| | 16,382,548 | 18,837,709 |
| **EXPENDITURES** | | |
| Board expenses | 61,237 | 70,991 |
| Computer | 92,787 | 288,179 |
| Contracted services | 90,779 | 75,368 |
| Grants | 2,100,476 | 2,527,390 |
| Libraries | 79,050 | 91,876 |
| Miscellaneous | 35,999 | 37,380 |
| Office | 394,366 | 502,996 |
| Premises | 505,260 | 474,152 |
| Publications | 84,543 | 102,173 |
| Salaries and benefits | 4,186,380 | 4,171,066 |
| Tariffs | 9,550,998 | 11,801,188 |
| Travel | 145,867 | 190,241 |
| | 17,327,742 | 20,333,000 |
| Expenditures in Excess of Income for the Year | 945,194 | 1,495,291 |
| Deficit (Surplus) at Beginning of the Year | 719,530 | (775,761) |
| Deficit at End of the Year | $ 1,664,724 | $ 719,530 |

# Notes to the Financial Statements for the Year Ended March 31, 1984

**1. Organizational objectives**

Under the Legal Services Society Act the objects of the Society are to ensure that

(*a*) services ordinarily provided by a lawyer are afforded to individuals who would not otherwise receive them because of financial or other reasons, and

(*b*) education, advice and information about law are provided for the people of British Columbia

**2. Significant accounting policies**

These financial statements have been prepared in accordance with generally accepted accounting principles except that

(*a*) property and equipment are recorded as operating expenditures at the time of acquisition,

(*b*) no accrual for employee vacation pay is provided, and

(*c*) no provision is made for legal work which has not been completed and billed

**3. Accounts payable—tariff**

The accounts payable – tariff are shown net of advances of $357,200 (1983 – nil) paid to lawyers against their outstanding accounts

**4. Commitments**

(*a*) The Society has commitments under long-term leases for the following

| | Office Premises | Computer Equipment | Total |
|---|---|---|---|
| 1985 | $238,833 | $ 47,295 | $286,128 |
| 1986 | 132,720 | 47,295 | 180,015 |
| 1987 | 76,573 | 47,295 | 123,868 |
| 1988 | 15,740 | 43,568 | 59,308 |
| 1989 | 2,880 | 17,257 | 20,137 |
| | $466,746 | $202,710 | $669,456 |

(*b*) The Society estimates that the total cost of authorized legal work which has not been completed and billed as at March 31, 1984 will amount to $2.5 million. This figure is not available for 1983

**5. Comparative figures**

Certain of the 1983 figures have been restated in order to conform with the financial statement presentation adopted in 1984. These restatements have no effect on the deficit

# Schedules
## for the Year Ended March 31, 1984

| | CLIENT SERVICES | | LEGAL INFORMATION SERVICES | | | |
|---|---|---|---|---|---|---|
| | Administration, Training & Funded Groups | Branches | Administration & Publications | Schools Program | Public Legal Education | Library Programs |
| **EXPENDITURES** | | | | | | |
| Board expenses | $ | $ | $ | $ | $ | $ |
| Computer | | | | | | 1,355 |
| Contracted services | 18,740 | 41,187 | | | | |
| Grants | 1,148,459 | | | 23,517 | 125,814 | 31,501 |
| Libraries | | | | | | 79,050 |
| Miscellaneous | 12,165 | 7,447 | 30 | 111 | 76 | 5,018 |
| Office | 7,272 | 228,581 | 1,136 | 4,864 | 204 | 1,771 |
| Premises | | 352,587 | | | | |
| Publications | | | 84,543 | | | |
| Salaries and benefits | 283,655 | 2,527,623 | 142,545 | 105,976 | 56,854 | 154,761 |
| Tariffs | | 43,919 | | | | |
| Travel | 57,459 | 51,862 | 116 | 5,988 | 1,482 | 4,375 |
| TOTALS | $1,527,750 | $3,253,206 | $228,370 | $140,456 | $184,430 | $277,831 |

| | NATIVE PROGRAMS | RESEARCH & PLANNING | GENERAL ADMINISTRATION | 1984 TOTAL | 1983 TOTAL |
|---|---|---|---|---|---|
| **EXPENDITURES** | | | | | |
| Board expenses | $ | $ | $ 61,237 | $ 61,237 | $ 70,991 |
| Computer | | | 91,432 | 92,787 | 288,179 |
| Contracted services | | | 30,852 | 90,779 | 75,368 |
| Grants | 771,185 | | | 2,100,476 | 2,527,390 |
| Libraries | | | | 79,050 | 91,876 |
| Miscellaneous | 532 | | 10,620 | 35,999 | 37,380 |
| Office | 345 | | 150,193 | 394,366 | 502,996 |
| Premises | | | 152,673 | 505,260 | 474,152 |
| Publications | | | | 84,543 | 102,173 |
| Salaries and benefits | 101,398 | 97,281 | 716,287 | 4,186,380 | 4,171,066 |
| Tariffs | | | 9,507,079 | 9,550,998 | 11,801,188 |
| Travel | 13,254 | 135 | 11,196 | 145,867 | 190,241 |
| TOTALS | $886,714 | $97,416 | $10,731,569 | $17,327,742 | $20,333,000 |

## Legal Services Society Branch Offices

**Burnaby-New Westminster**
120-5021 Kingsway, Burnaby
V5H 4A5 437-4432

**Campbell River**
No. 2-912 Island Highway
V9W 5A7 287-9521

**Chilliwack**
No. 5-9360 Mill St.
V2P 4N2 792-7264

**Dawson Creek**
Unit 9, 1405-102nd Avenue
V1G 2E1 782-5911/2

**Fort St. John**
B9822-101st Avenue
V1J 2B2 785-5674/5

**Kamloops Regional Law Centre**
No. 200-142 Victoria St.
V2C 1Z7 374-7777

**Kelowna**
1262 St. Paul Street
V1Y 2C9 763-8804

**Nanaimo**
No. 2-149 Wallace St.
V9R 5B2 753-0271

**Nelson**
550 Stanley Street
V1L 1N2 352-3147

**Prince George**
No. 202-1378 Fifth Avenue
V2L 3L4 562-4445

**Prince Rupert**
737 West 2nd Avenue
V8J 1H4 627-1364

**Surrey**
No. 308, 15225-104th Ave.
V3R 6Y8 584-8535

**Vancouver**
No. 2-195 Alexander St.
V6A 1N3 687-1831

**Williams Lake**
94-1st Avenue North
V2G 1Y6 392-2941

**Prison Services Project**
2406 Montrose Avenue
Abbotsford
V2S 3S9 859-7681
or toll-free 530-3514

**Langley Paralegal Project**
5515-208th Street
V3A 2K4 530-5811

## Community Law Offices

**Abbotsford Community Services Society**
2406 Montrose Avenue
V2S 3S9 859-7681
or toll-free 530-3514

**Maple Ridge Legal Information Service**
22558 Lougheed Highway
V2X 2V1 467-1577

**Nanaimo Association for Intervention and Development**
149 Wallace Street
V9R 5B2 753-0271

**Westminster Community Legal Services Society**
805-12th Street
V3M 4K2 524-0381

**Penticton Legal Services**
Suite 103-304 Martin St.
Penticton
V2A 5K4 493-0210

**Powell River Civil Liberties Society**
4727 Marine Avenue
V8A 2L2 485-9871

**Quesnel Human Rights & Civil Liberties Association**
121 Barlow Avenue
V2J 2B8 992-8391

**The Law Centre Association of Victoria**
3rd Floor-1221 Broad St.
Victoria, B.C.
V8W 2A4 388-4516

## Native Legal Information Offices

**Burns Lake Community Law Centre Society**
P.O. Box 8000
492 Yellowhead Highway, #16
V0J 1E0 692-7534

**Haida Counselling & Legal Assistance Society**
P.O. Box 37
Queen Charlotte City
V0T 1S0 559-8306
*and*
P.O. Box 130
Masset
V0M 1M0 626-3925

**Fort St. John Indian Friendship Centre**
10208-95th Avenue
V1J 1J2 785-8566

**Mission Indian Friendship Centre**
P.O. Box 3145
33236 First Avenue
V2V 4J3 462-9511

**Conayt Friendship Centre**
P.O. Box 1989
1988 Quilchena Avenue
Merritt
V0K 2B0 378-5107

**Port Alberni Friendship Centre**
P.O. Box 23
3178 Second Avenue
V9Y 7M6 724-3013

**Smithers Indian Friendship Centre**
P.O. Box 2920
V0J 2N0 847-9642

**Upper Skeena Counselling & Legal Assistance Society**
P.O. Box 130
Hazelton
V0J 1Y0 842-5218

## APPENDIX "A"—LOCATION OF OFFICES

| | Branch Office | Community Law Office | Area Director |
|---|---|---|---|
| Abbotsford | | X | |
| Burnaby | X | | |
| Burns Lake | | | X |
| Campbell River | X | | |
| Chetwynd | | | X |
| Chilliwack | X | | |
| Cranbrook | | | X |
| Dawson Creek | X | | |
| Delta | | | X |
| Duncan | | | X |
| Fort St. John | X | | |
| Gibsons | | | X |
| Golden | | | X |
| Hazelton | | | X |
| Kamloops | X | | |
| Kaslo | | | X |
| Kelowna | X | | |
| Langley | | | X |
| Lillooet | | | X |
| Merritt | | | X |
| Nakusp | | | X |
| Nanaimo | X | X | |
| Nelson | X | | |
| New Westminster | | X | |
| Penticton | | X | |
| Powell River | | X | |
| Prince George | X | | |
| Prince Rupert | X | | |
| Quesnel | | X | |
| Revelstoke | | | X |
| Richmond | | | X |
| Salmon Arm | | | X |
| Smithers | | | X |
| Squamish | | | X |
| Surrey | X | | |
| Terrace | | | X |
| Vancouver | X | | |
| Vernon | | | X |
| Victoria | | X | |
| Whitehorse | | | X |
| Williams Lake | X | | |